

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

WILLIAM STAPLES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-10-1007-D
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**ORDER**

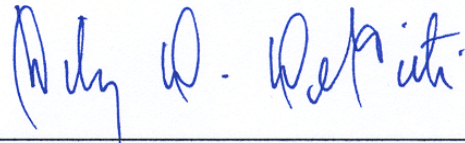
This matter is before the Court for review of the Report and Recommendation on the Defendant's Motion to Dismiss [Doc. No. 35] and the Report and Recommendation on the Plaintiff's Motion for Summary Judgment [Doc. No. 36], both issued March 7, 2011, by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Bacharach recommends, first, the dismissal of this action under Fed. R. Civ. P. 12(b)(1) as barred by sovereign immunity and, second, the denial of Plaintiff's dispositive motion as moot.

Plaintiff has not filed a timely objection nor requested additional time to object, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. Thus, the Court finds that Plaintiff has waived further review of the issues addressed by Judge Bacharach in the Reports. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Accordingly, the Court adopts both Reports [Doc. Nos. 35 & 36] in their entirety.

IT IS THEREFORE ORDERED that Defendant United States' Motion to Dismiss [Doc. No. 19] is GRANTED and Plaintiff's Motion for Summary Judgment [Doc. No. 29] is DENIED.

The Court lacks subject matter jurisdiction of this action. The action is, therefore, DISMISSED pursuant to Fed. R. Civ. P. 12(b)(1). Judgment shall be entered accordingly.

IT IS SO ORDERED this 30<sup>th</sup> day of March, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE